

DEPARTMENTAL NOTICE		NUMBER: 4050-001
SUBJECT: Extension of Authority for Recruitment, Relocation and Retention Incentives	DATE: May 27, 2005	
	OPI: Office of Human Capital Management	
CODIFICATION/EXPIRATION: Will be codified within one year of the date of this Notice		

1 PURPOSE

The purpose of this Notice is to extend authority to USDA agencies and mission areas to continue to pay Recruitment, Relocation and Retention Incentives under the parameters of the existing DM 4050-575, dated May 28, 2003, as long as any offers made using these plans are not inconsistent with the new law and regulations. The issuance of this Notice will constitute USDA's newly adopted Interim Recruitment, Relocation, and Retention Incentive Plan until superceded by the issuance of a Departmental Manual.

2 BACKGROUND

The Federal Workforce Flexibility Act of 2004 provides that the new Recruitment, Relocation and Retention Incentive authorities are effective on the first day of the first pay period beginning on or after the 180th day after enactment (May 1, 2005). OPM's interim regulations were published in the Federal Register on May 13, 2005. Under 5 U.S.C. 5753(f) and 5754(g) OPM must require agencies to establish a plan before paying any incentives under this section, subject to regulations prescribed by OPM. Therefore, USDA could not put into effect a new Recruitment, Relocation, or Retention Incentive Plan or authorize a new Recruitment, Relocation, or Retention Incentive before May 13, 2005.

3 AUTHORITY

5 U.S.C. 5753 and 5754 and Federal Register, Vol. 70, No. 92, dated Friday, May 13, 2005

4 SPECIAL INSTRUCTIONS

- a Recruitment, Relocation and Retention Incentives may be authorized and paid under the new 5 U.S.C. 5753 and 5743 during the period of time between May 1, 2005, and the effective date of the issuance of USDA's new Recruitment, Relocation and Retention Incentive Plan using this interim plan.

DISTRIBUTION:

- b In accordance with the new law, Recruitment, Relocation and Retention Incentives may no longer be paid to an employee in:
 - (1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;
 - (2) a position in the Senior Executive Service as a noncareer appointee (as defined in 5 U.S.C. 3132(a)(7));
 - (3) a position excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character; or
 - (4) a position not otherwise covered by the exclusions in paragraphs (1), (2), and (3):
 - (a) to which an individual is appointed by the President without the advice and consent of the Senate;
 - (b) designated as the head of an agency, including an agency headed by a collegial body composed of two or more individual members; or
 - (c) in which the employee is expected to receive an appointment as the head of an agency.
- c Under the interim regulations, recruitment, relocation, and retention incentive service agreements must begin on the first day of a pay period.
- d If an individual received a formal offer of a recruitment or relocation bonus or retention allowance before May 1, 2005, the agency may pay that bonus or allowance on or after May 1, 2005, as long as the terms associated with the offer were consistent with the law and regulations in effect when the offer was made.
- e If an individual received a formal offer of a recruitment, relocation, or retention payment after April 30, 2005, but before the issuance of this notice, the agency may deem that offer to have been made on the date of this notice and may make such payments effective on the beginning of the first day of the next pay period, in accordance with the terms of this notice.
- f Recruitment, Relocation and Retention Incentives made using this interim notice may only be granted up to the limitations outlined in the existing DM 4050-575, dated, May 28, 2003 (i.e. up to 25 percent).

5 INQUIRIES

Agency employees should direct their questions to their servicing Human Resource Offices. Human Resource Offices with questions may call, Patty Moore, Office of Human Capital Management, at 202-720-8629.